



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gallagher

Serial No.: 09/867,974

Group Art Unit: 1722

Filed: 05/30/2001

Examiner: Luk, Emmanuel S.

For: CARRIER TRANSFER MOLDING DEVICE

Atty. Dkt. No.: 65,084-0002

Assistant Commissioner of Patents  
Washington, D.C. 20231

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)  
TO OBVIATE A DOUBLE PATENTING REJECTION**

**Statement of Ownership**

The applicant certifies that he resides at 1204 Waterford Road, Westchester, PA 19380-5814, and is the owner of the entire right, title and interest in the above-identified U.S. Patent Application Serial No. 09/867,974. The applicant further certifies that he is the owner of the entire right, title and interest in U.S. Patent No. 6,264,462.

**Disclaimer**

The applicant, owner of the entire right, title and interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,264,462. The applicant hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, his successors or assigns.

In making the above disclaimer, the applicant/owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

05/16/2004 EAREGAY1 00000036 042223 09867974

01 FC:2014 55.00 DA

**Declaration of Undersigned Under 18 U.S.C. §1001**

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: Robert M. Gallagher  
Robert M. Gallagher  
Applicant

Dated: May 6, 2004

**Fee Under 37 C.F.R. §1.20(d)**

The Assistant Commissioner is hereby authorized to deduct the amount of \$55.00 from Deposit Account No. 04-2223 in payment of the fee presently due in connection with this Disclaimer under 37 C.F.R. §1.20(d). The Assistant Commissioner is hereby further authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-2223. A duplicate of the first page of this disclaimer is attached.

Respectfully submitted,

May 12, 2004 Charles R. Rutherford

Charles R. Rutherford  
Registration No. 18,933  
Customer No. 26,127  
DYKEMA GOSSETT PLLC  
39577 Woodward Ave., Ste. 300  
Bloomfield Hills, MI 48304  
(248) 203-0862  
Attorney for Applicant

|   |                          |                 |                           |                        |
|---|--------------------------|-----------------|---------------------------|------------------------|
| <b>CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)</b>  |                          |                 | Docket No.<br>65,084-0002 |                        |
| Applicant(s): GALLAGHER   |                          |                 |                           |                        |
| Serial No.<br>09/867,974  | Filing Date<br>5/30/2001 | Examiner<br>LUK |                           | Group Art Unit<br>1722 |
| Invention: CARRIER TRANSFER MOLDING DEVICE  |                          |                 |                           |                        |
| <p>I hereby certify that this <u>TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION</u><br/>(Identify type of correspondence)</p> <p>is being deposited with the United States Postal Service as first class mail in an envelope addressed to:</p> <p>Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>MAY 2004</u><br/>(Date)</p> <p><b>DIANNE BAREFOOT</b><br/>(Typed or Printed Name of Person Mailing Correspondence)</p> <p><i>Dianne Barefoot</i><br/>(Signature of Person Mailing Correspondence)</p> <p>Note: Each paper must have its own certificate of mailing.</p> |                          |                 |                           |                        |